

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICHEAL J. STUART, Individually)
and on behalf of all similarly-situated)
Individuals)
Plaintiff,)
v.) Civil Action No.: _____
RESURGENS RISK)
MANAGEMENT, INC., WILLIE)
H. BURKS, RONALD D.)
MCADAMS, and WAYNE)
YINGLING,)
Defendants.)

NOTICE OF REMOVAL

Defendants Resurgens Risk Management, Inc. (“Resurgens”), Willie H. Burks (“Burks”), Ronald D. McAdams (“McAdams”), and Wayne Yingling (“Yingling”) (collectively “Defendants”), pursuant to 28 U.S.C. §§, 1331, 1441, and 1446, hereby remove Civil Action No. 2011CV207871 from the Superior Court of Fulton County, Georgia on the following grounds:

1.

On or about November 8, 2011, Plaintiff Micheal J. Stuart (“Plaintiff”) filed suit against Defendants in the Superior Court of Fulton County, Georgia (the “Action”). The Action was designated as Civil Action No.

2011CV207871.

2.

On or about November 10, 2011, Defendants received service of the Summons and Complaint. True and accurate copies of the Summons and Complaint are attached hereto as Exhibit "A."

3.

The first date on which Defendants received a copy of the Complaint was on or about November 10, 2011. Therefore, this Notice of Removal is timely filed within 30 days of service of the Complaint, as required by 28 U.S.C. § 1446(b).

4.

Plaintiff has attempted to bring a cause of action against Defendants under the Fair Labor Standards Act ("FLSA"), a federal statute. (See Compl. ¶¶ 29-39.)

5.

Accordingly, this Action arises under the laws of the United States and this Court has jurisdiction over the Action pursuant to 28 U.S.C. § 1331.

6.

Defendants submit this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has stated claims upon

which relief may be granted.

7.

All Defendants expressly join in and consent to this Notice of Removal.

8.

Defendants are filing, contemporaneously with this Notice, a Notice of Filing Notice of Removal with the Clerk of the Superior Court of Fulton County, Georgia, informing the Clerk that the Action is being removed. A copy of said Notice of Filing Notice of Removal is attached hereto as Exhibit "B."

WHEREFORE, Defendants pray that the Action be removed to this Court.

Respectfully submitted this 8 day of December, 2011.



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COUNSEL FOR DEFENDANTS

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YINGLING,)
Defendants.)

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CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2011, I served the foregoing
NOTICE OF REMOVAL upon counsel for Plaintiff via United States mail,
postage prepaid to:

Dean R. Fuchs
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Justin R. Barnes, Esq.